

**FILED**

**NOV 12 2007**

**CLERK  
U. S. DISTRICT COURT  
MIDDLE DIST. OF ALA.**

**U. S. DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**RECEIVED**  
**2007 NOV 14 P 3:01**  
**DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA**

CURVES INTERNATIONAL, INC., )

Plaintiff, )

v. )

CASE NO. 2007-CV-807-MHT

**JURY TRIAL REQUESTED**

LINDA S. MOSBARGER, )

Defendant. )

---

**AMENDED ANSWER-COUNTERCLAIM**

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**COMES NOW** the DEFENDANT, LINDA S.MOSBARGER, nee LINDA S. LEWIS, comes through undersigned counsel and amends the ANSWER of October 10, 2007, to add a COUNTERCLAIM and additional parties, as follows:

**COUNTERCLAIM**

**JURISDICTION & PARTIES**

1. The Counterclaimant LINDA S. LEWIS, is an individual in this action. However, she is organized under the laws of Alabama and doing business under two different LLCs, Alabama corporations: NATURAL BEAUTY GARDEN CENTER, LLC, and POSSUM TROT PROPERTIES, LLC, both of which operate in Elmore County, Alabama.

2. Curves International, Inc., is a Corporation organized under the laws of Texas, as set out further in the original Complaint, where Counterclaim Defendant was the named Plaintiff.

3. The Counterclaimant seeks to add the following as adversarial parties to this action based upon criminal behavior further set out in more detail herein:

- a. Kevin Ayers, Individual
- b. Julie Ferrell, Individual
- c. Curves' Alabama Process Server, Individual
- d. Michael R.Gray, Individual
- e .Fictious Parties A, B, C,-Individual unknown Third Parties who prompted and/or supplied false information to Curves International, Inc. in order to bring this unfounded and unsupported lawsuit .

### **FACTS**

2. In 1997, LINDA S. LEWIS and her then husband, MIKE MOSBARGER, opened "Mike's Gym" at 97 Lightwood Road in an unincorporated area of Elmore County, Alabama, known as Holtville and/or Slapout.

3. "Mike's Gym" was a free weight facility with adjustable exercise equipment where clients came and went as they chose because there were no teachers or trainers.
4. In 1999, LINDA S. LEWIS MOSBARGER was granted a Curves franchise.
5. The location Curves approved for LINDA S. MOSBARGER with visual onsite inspection by Curves representative was 97 Lightwood Road, Deatsville, Alabama, in the unincorporated area of Elmore County previously identified as Holtville, Alabama.
6. In 2002, the MOSBARGERS moved "Mike's Gym" to a new location in Holtville, Alabama: 10009 Holtville Road, Deatsville, Alabama 36022.
7. Likewise in 2002, LINDA S. LEWIS MOSBARGER moved her Curves business to 10009 Holtville Road .
8. The Curves franchise was operated in full compliance with Curves rules and regulations.
9. Therefore, the Curves business was restricted to women and non-adjustable circuit exercise equipment.
10. Both Curves and the earlier business "Mike's Gym" utilized the same address and telephone number until the MOSBARGERS were Divorced in Elmore County in April of 2006. However, at all times while Ms. LEWIS' Curves was in existence, there was a wall which separated the two individual businesses with each business having separate entrances.
11. LINDA S. LEWIS MOSBARGER was awarded both businesses in the Divorce along with the right to resume her maiden name.

12. Sometime in April, 2006, subsequent to the Divorce Ms. LEWIS changed the name of "Mike's Gym" to "Jordan's Gym", and eventually purchased a new sign evidencing this fact.
13. In July, 2006, Ms. LEWIS decided to close her Curves franchise and began notifying customers she was closing and giving notice of the availability of other Curves Franchises located within a 20 mile or less radius.
14. In July, 2006, Ms. LEWIS informed Curves headquarters of her decision to dissolve her Curves franchise verbally.
15. Ms. LEWIS told several employees of Curves this fact. Ms. LEWIS asked Curves for assistance in dissolving her franchise but did not receive any assistance.
16. Curves employees Ms. LEWIS recalls speaking with concerning closing her Holtville Curves franchise starting in July of 2006 and ending in December of 2006 were Tami Rose, Tammy Summerlin and Curves District Manager in Alabama, Janie Little.
17. Tami Rose a Texas employee of Curves headquarters in July, 2006, when Ms. LEWIS asked Curves to come and retrieve its unadjustable, lightweight exercise equipment that Ms. LEWIS could keep the equipment because she had never been late with a monthly franchise payment to Curves headquarters.
18. Later in December of 2006, after the Curves equipment had already been moved to storage, Tami Rose contact Ms. LEWIS and requested the return of the equipment. Ms. Rose made two different appointments with Ms. LEWIS in

December of 2006 (12/19/06 & 12/21/06) but never showed up to retrieve the equipment at issue herein.

19. In mid to late November, 2006, Ms. Lewis began developing building on land she had own for over 20 years which already contain a house and a storage building.
20. The new building was completed shy of a few minor finishing details by January 1, 2007.
21. On December 3, 2006, Ms. LEWIS sold "Jordan's Gym" the former "Mike's Gym" to Truitt K. Johnson.
22. In January, 2007, Ms. LEWIS rented the new building to Truitt K. Johnson.
23. Mr. Johnson is currently utilizing the building as Jordan's Community Center, LLC, which serves as a storm shelter for the local area and is rented to private groups for Birthdays, Anniversaries, Charity Fundraisers and in addition to having a tanning bed and adjustable exercise machines formerly used in the original "Mike's Gym" now "Jordan's Gym" located at 770 Shields Road, Deatsville, Alabama 36022, in a the same manner this business has historically been operated since 1997, which is as a client "self-serve" gym for both men and women, the elderly and children, the physically and medically impaired and those who are healthy.
24. The Curves exercise equipment did not interest Truitt K. Johnson in December of 2006 when he purchased "Jordan's Gym" from LINDA S. LEWIS because the equipment was not adjustable and could not be used by the clients he

envisioned for his future business “The Jordan’s Community Center, LLC”.

Mr. Johnson is the sole owner of “The Jordan Community Center, LLC”

25. Curves equipment is not now and never has been utilized or even placed in the Community Center located at 770 Shields Road, Deatsville, Alabama 36022.
26. Starting in late August of 2007, a string of unusual events started happening at 770 Shields Road, in Holtville, Alabama, which were noticed by LINDA S. LEWIS (who lives at 750 Shields Road), Susan Tenley (the manager of Jordan’s Community Center), Truitt K. Johnson (the owner of “Jordan’s Gym” and the Community Center) and Joyce Berry (who lives across the street at 1355 Possum Trot Road from the new building).
27. Within a relatively short period of time law enforcement officials have executed incident offense reports indicating the occurrence of criminal activity at this location primarily targeting LINDA S. LEWIS or the new building which is owned by her business” Possum Trot Properties, LLC” in which she is the sole owner.
29. In the late summer of 2007, Joyce Berry witnessed a female on two different occasions attempt to gain entry to the closed facility resulting in damage to the door of the facility.
30. At no point in time did Truitt K. Johnson, Susan Tenley or Linda S. Lewis give permission to Julie Ferrell, Micheal R.Gray or the process server employed in this action by Curves’ to enter the new facility. Likewise, any one else who may have taken pictures of the original “Mike’s Gym” adjustable exercise equipment in the “Jordan’s Gym” portion of “The Jordan Community Center, LLC” operating out

of the building owned by "Possum Trot Properties, LLC" attached to this action never obtained permission to enter this private property.

31. On or about September 10, 2007, while on patrol in the county an Elmore County Sheriff Deputy was alerted to an emergency assault at the community center.
32. The victim, LINDA S. LEWIS, informed the officer who arrived within minutes of the criminal act that a suspicious lady wearing a ball cap and dark glasses had "Whopped her in the head" after telling Ms. Lewis she was "sick."
33. The victim, LINDA S. LEWIS, when approached had been on the phone with Kelle Garmon while watering her plants. The suspect threw a large, yellow package at the victim while there which hit the victim Counterclaimant LINDA S. LEWIS in the face on the left cheek. Next, the suspect proceeded to grab the big envelop, and then she jumped back in her car. The offender quickly sped off in a maroon Corvette, as the victim dialed 911.
34. The Elmore County Sheriff deputies who arrived at the scene within minutes were unsuccessful that day in catching up with the suspect who had assaulted Ms. LEWIS on her left cheek, but at least two witnesses saw the car speed away. Additionally, the two witnesses, Joyce Berry and Susan Tenley, witnessed a red place on Ms. Lewis' left cheek following the incident, not to mention the obvious anguish and mental stress was apparent to all involved, including the witnesses.
35. Ms. Lewis never connected the September, 2007, trespass and assault with this lawsuit until after she went through the pleadings in this matter at her attorney's office in October, 2007.

36. The next trespass occurred the day prior to when Attorney Michael R. Gray was previously scheduled to take LINDA S.LEWIS' deposition in this matter at 4220 Carmichael Court North, Montgomery, Alabama 36106, approximately 30 miles from LINDA LEWIS' house next door to The Jordan Community Center.
37. The deposition of LINDA S. LEWIS was scheduled at 9 am on Friday, November 2, 2007.
38. The ANSWER in this case had been filed over two (2) weeks, so it was on record the Counterclaimant Plaintiff LINDA S. LEWIS was represented by the undersigned in this legal action.
39. Michael R. Gray being the attorney taking the "Expedited Discovery" deposition of Ms. LEWIS was aware she was represented by undersigned legal counsel.
40. However, as of November 1, 2007, Michael R. Gray and undersigned legal counsel had never spoken, though his partner had on at least two prior occasions.
41. About 5 p.m., on Thursday, November1, 2007, Michael R. Gray walked into the community center and asked for "LINDA." Next, Gray told those present that Ms. Lewis' attorney had given him permission to inspection the facility located at 770 Shields Road, in the Beat 14 area of Holtville, Alabama. Where upon LINDA LEWIS who had been summoned from next door to assist the manager Susan Tenley in hanging curtains at the facility called the undersigned, and discovered that Mr. Gray had never spoken with the undersigned. At that point Ms. LEWIS asked Mr. Gray to leave, when he protested; she invited him to speak with an



Elmore County deputy who had been summoned to investigate what appeared to be suspicious activity about an hour or so earlier by an individual matching Mr. Gray's description appearing to stalk Ms. LEWIS by sitting in the middle of the road and taking pictures. Upon speaking with the deputy, Mr. Gray admitted he had not received permission to enter the private property and agreed to leave. This incident greatly alarmed LINDA LEWIS, and others in the area.

42. Upon having a locksmith to come and examine the damaged door and lock to the community center, it was discovered that the lock had been tampered with from the outside. The landlord paid over \$50 to have the door lock repaired.
43. The Jordan Community Center, LLC, has many functions in the small community of Slapout, Alabama, none of which are the same or similar to a Curves facility for women exclusively.
44. Ms. Lewis has been targeted on numerous prior occasions for harassment and interference with business by Curves headquarters in Texas, and perhaps Curves franchise holders locally who were formerly in competition with LINDA S. LEWIS' Holtville Curves franchise, including a previous lawsuit which was wrongfully filed by Curves in Texas on April 10, 2001, based upon unsupported conclusory allegations, such as this matter, and supported by a sworn affidavit of Kevin Ayers, unlike the original pleadings in this matter which are based upon unsworn hearsay statements of Kevin Ayers, Julie Ferrell and the deceptive Curves' process server.

45. The 2001 Texas lawsuit filed in Texas against LINDA S. LEWIS by Curves through Kevin Ayers was thrown out of court on procedural grounds based upon inadequacies in Curves' case against Ms. LEWIS.

**COUNT I**

**COUNT II**

**COUNT II**

**COUNT IV**

**CRIMINAL TRESPASS**

46. The Counterclaim Plaintiff, LINDA S. LEWIS, re-alleges each and every allegation in Paragraphs 1-45 as if set out in full herein.
47. The Counterclaim Defendant Julie Ferrell based upon her admissions previously filed with photographs with this court along with Joyce Berry's sworn affidavit and police reports with support attached to this Counterclaim, has illegally trespassed under the laws of this state, causing great harm and alarm to LINDA S LEWIS.
48. The Counterclaim Defendant defined as Counterclaim Corporate Defendant Curves' Alabama process server based upon her admissions previously filed with this court related to allegedly attempting to serve LINDA S. LEWIS with service pf process of this legal matter, along with Joyce Berry's sworn affidavit and police reports with support attached to this Counterclaim, has illegally trespassed under the laws of this state, causing great harm and alarm to LINDA S LEWIS.

49. The Counterclaim Defendant Michael R. Gray based upon his actions on November 1, 2007, at 770 Shields Road, Deatsville, Alabama 36022, along with Joyce Berry's sworn affidavit and police reports with support attached to this Counterclaim, has illegally trespassed under the laws of this state, causing great harm and alarm to LINDA S LEWIS.
50. Unknown Fictitious Counterclaim Defendants A, B and C whose names are unknown at this point in this matter who the Counterclaimant expects to be able to eventually name, have illegally trespassed under the laws of this state, causing great harm and alarm to LINDA S. LEWIS.

**COUNT V**

**ASSAULT**

51. The Counterclaim Plaintiff, LINDA S. LEWIS, re-alleges each and every allegation in Paragraph 1-50 as if set out in full herein.
52. On or about September 10, 2007, the Corporate Counterclaim Defendant's Process Server assaulted LINDA S. LEWIS on the left cheek of her face, causing her great alarm and physical pain; said illegal activity violated the laws of the State of Alabama.

**COUNT VI**

**BREACH OF FRANCHISE CONTRACT**

53. The Counterclaim Plaintiff, LINDA S. LEWIS, re-alleges each and every allegation in Paragraphs 1-52 as if set out in full herein.

54. The Counterclaim Corporate Defendant, Curves, violated the following provision of the previously filed franchise agreement with LINDA S. LEWIS:

*“Franchisor (Curves) shall have the right to purchase the ....equipment.....at the purchase price in accordance with the following payment description; ..... (calculated based on the Franchisee’s [LINDA S. LEWIS’] original opening date); ..... ”and more than five (5) years- \$1,500....[which in this case was May of 1999 making the applicable rate for the equipment Curves has demanded \$1,500 for 8 pieces of equipment for a total of at least **\$10,500** due to the Counterclaim Plaintiff-LINDA S.LEWIS].....”*

by failing to offer LINDA S. LEWIS payment in the amount of \$1,500 per piece of equipment upon demanding the return of said equipment with this lawsuit, despite previous attempts by the Counterclaimant to return the eight pieces of Curves equipment which she has had in storage and never used since removing said equipment from the last location where Curves operated in Holtville.

55. This amounts to the Counterclaimant being owed at least **\$10,500**, upon Curves choosing to demand of the return of the equipment at issue.

#### **COUNT VII**

#### **BREACH OF FRANCHISE CONTRACT**

**EQUITTABLESTOPPEL**

56. The Counterclaim Plaintiff, LINDA S. LEWIS, re-alleges each and every allegation in Paragraphs 1-55 as if set out in full herein.
57. Additionally, the Counterclaim Corporate Defendant, Curves, violated the following two (2) provisions of the previously filed franchise agreement with LINDA S. LEWIS by wrongfully bringing this Federal Court action knowing all along that the Counterclaimant LINDA S. LEWIS fell into an exception to the enforcement of the following two franchise provisions:

1. **“Covenant Not To Compete”**:

*“In consideration thereof, Franchisee therefore covenants and agrees that, **except for any interest which Franchisee has in a competitive business on the effective date of this Agreement**, by its signature hereinbelow, specifically consents, Franchisee shall not, directly or indirectly, as a proprietor, partner.....or otherwise for a period of three (3) years immediately following that later of the expiration, termination or non-renewal of this Agreement for any reason .....*”

At all times relevant to this matter Curves through its employees who had actually visited the Holtville Curves facility, at least two (2) who were present at the “Grand Opening” in May of 1999, knew of the existence of the Mosbargers’ pre-existing business, “Mike’s Gym” established in 1997 (aka “Jordan’s Gym” which

is now contain in the broader purpose “The Jordan Community Center”), since its was at all times relevant hereto adjacent the Holtville Curves.

2. **Location**

Quoting from Exhibit A to the Franchise Agreement, the Curves franchises should be in city limits, in this case:

**“The city limits of Deatsville, Alabama”**

**[Neither location of the Counterclaimant’s Holtville Curves was ever located in the city limits of any incorporated municipality or Deatsville, Alabama]**

58. This failure to place the Counterclaimant in an incorporated municipality with a population to reasonably satisfy business expectation of the franchisee, LINDA S. LEWIS, contributed greatly to the demise of the Counterclaimant’s Curves franchise in Holtville, Alabama.
59. During this same time period, the Corporate Counterclaim Defendant opened a number of new franchises in municipalities within a 30 mile radius of Holtville with media of some sort which has always been absent in Holtville, Alabama, this contributed greatly to the demise of the Counterclaimant’s Curves franchise in Holtville, Alabama.

**COUNT VIII**

**CRIMINAL MISCHIEF**

**COUNT IX**

**PROPERTY DESTRUCTION-VANDALISM**

60. The Counterclaim Plaintiff, LINDA S. LEWIS, re-alleges each and every allegation in Paragraphs 1-59 as if set out in full herein.
61. The Corporate Defendant directed or caused the Counterclaimant to suffer the damage and/or destruction of property, based upon the attached locksmith statement and police report.
62. The Counterclaimant, suffered compensatory damage in excess of \$50.
63. The total disregard of state law to accomplish the Corporate Counterclaim Defendant's goals should allow for additional consequential and punitive damages.

**COUNT X**

**HARRASSMENT**

**COUNT XI**

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

**COUNT XII**

**INTERFERENCE WITH BUSINESS**

**COUNT XIII**

**PATTERN AND PRACTICE OF VIOLATING THE LAWS OF THIS STATE**

64. . The Counterclaim Plaintiff, LINDA S. LEWIS, re-alleges each and every allegation in Paragraphs 1-63 as if set out in full herein.
65. The Counterclaimant the record reveals has been purposely harassed by the Corporate Counterclaim Defendant.
66. The Counterclaimant the record reveals has been falsely portrayed by the Counterclaim Corporate Defendant at least since the 2001 Texas lawsuit which did not survive procedural challenge.
67. Repeatedly, the Counterclaim Defendant has interfered with LINDA S. LEWIS' right to contract and earn a living without honoring the Franchise agreement drafted by Curves legal representatives after informing the Counterclaimant to "just sign it---it is required of everybody" and that she did "not need a lawyer to review" said document (previously filed in this matter) which was in fact left blank on many issues including the telephone issue which is herein being disputed.
68. The Counterclaim Corporate Defendant, Curves, has shown through unsworn statements and a pattern and practice of purposely violating the laws of this state to attempt to achieve their corporate purpose of harassing the Counterclaimant in a vindictive manner, a total disrespect for the laws of the State of Alabama and the U.S. Constitution and the Federal laws of the United State of America.

WHEREFORE, based on the "totality of the circumstances" the Plaintiff seeks judicial intervention and full recovery, as follows:



1. DECLARE THE FRANCHISE AGREEMENT BREACHED BY THE CORPORATE COUNTERCLAIM DEFENDANT CURVES PRIOR TO THE BEGINNING OF THIS ACTION;

2. AWARD TO THE COUNTERCLAIM PLAINTIFF-LINDA S. LEWIS, COMPENSATORY DAMAGES IN THE AMOUNT OF AT LEAST **\$75,500**;

3. AWARD TO THE COUNTERCLAIM PLAINTIFF-LINDA S. LEWIS CONSEQUENTIAL DAMAGES OF AT LEAST **\$250,000**;

4. AWARD TO THE COUNTERCLAIM PLAINTIFF-LINDA S. LEWIS, PUNITIVE DAMAGES OF AT LEAST **3 MILLION DOLLARS** FOR THE PURPOSEFUL VIOLATION OF THE LAW AND VINDICTIVE INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS WHICH CAUSED MENTAL ANGUISH AND SEVERE STRESS TO LINDA S. LEWIS ; and,

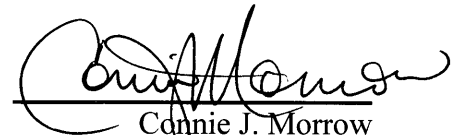
5. Additionally, Counterclaim Plaintiff-LINDA S. LEWIS seeks a judgment against the Counterclaim Defendants in such just and reasonable amount for compensatory, consequential, equitable and punitive damages as may be awarded by this Honorable Court along with costs and expenses of this action;

6. **Plus, Plaintiff seeks immediate injunctive relief in the form of a Restraining Order prohibiting any further contact or harassment of the COUNTER**

**CLAIM PLAINTIFF-LINDA S. LEWIS by any of the COUNTERCLAIM  
DEFENDANTS or their agents.**

**Plaintiff demands a trial on the merits by struck Jury on any issues  
remaining in this matter following the Novmeber 14<sup>th</sup> hearing in this matter.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Connie Morrow", written over a horizontal line.

Connie J. Morrow  
(#ASB-6870-O78C)  
Attorney for Counterclaimant  
LINDA S. LEWIS

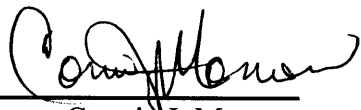
OF COUNSEL:  
Grainger Legal Services, LLC  
4220 Carmichael Court, N.  
Montgomery, Alabama 36106  
Tel. (334) 260-0500  
Fax (334) 260-5580  
E-mail [cgrainger@graingerlegal.com](mailto:cgrainger@graingerlegal.com)

CERTIFICATE OF SERVICE

The undersigned verifies a true and accurate copy of this document has been delivered to the following (Defendants and purported legal counsel) by placing on this date a copy of such in the U. S. mail, proper postage prepaid, on this the ~~24~~<sup>14th</sup> day of NOVEMBER, 2007, and addressed as follows:

Joseph W. Carlisle  
William D. Jones, III  
JOHNSTON, BARTON, PROCTOR & ROSE, LLP  
Colonial Brookwood Center  
569 Brookwood Village, Suite 901  
Birmingham, AL 35209

Jason J. Stover  
Micheal R. Gray  
GRAY, PLANT, MOOTY, MOOTY & BENNETT, PA  
500 IDS Center, 80 South Eighth Street  
Minneapolis, MN 55402



Connie J. Morrow  
(#ASB-6870-078C)

Attorney for LINDA S. LEWIS

Verified Complaint/Affidavit

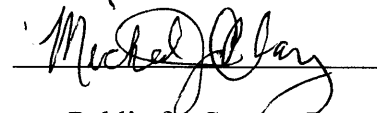
I, LINDA S. LEWIS, have read this AMENDED ANSWER-COUNTERCLAIM, and the facts and statements contained within this document are true and correct to the best of my knowledge, done this the ~~24~~<sup>13</sup> day of NOVEMBER, 2007.

  
LINDA S. LEWIS

STATE OF ALABAMA  
COUNTY OF MONTGOMERY

Given under my seal, I, Michele J. Clout that has been made known to me, I have witnessed her signature set forth above as coming from her hand, and verify it is true and correct and was executed on this the 13<sup>th</sup> day of November, 2007.

Seal)

A handwritten signature in cursive script, appearing to read "Michele J. Clout", written over a horizontal line.

Notary Public for State at Large

My Commission expires: 04 - 11 - 2009

**EXHIBITS IN SUPPORT OF COUNTERCLAIM BY LINDA S. LEWIS**

U. S. DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CURVES INTERNATIONAL, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2007-CV-807-MHT
	)	
	)	
LINDA S. MOSBARGER,	)	
	)	
Defendant.	)	

---

**AFFIDAVIT OF ROBERT "BOB" ANDREWS**

---

1. My name is Robert Andrews, but I have always gone by Bob Andrews. I am over 60 years of age and a resident of Elmore County in the State of Alabama.
2. Every statement set out herein is true and accurate to the best of my personal knowledge.
3. I reside at 825 Carpenter Road in Holtville, Alabama, with a Deatsville, Alabama mailing address (36022).
4. In early 1997, I began working out at Mike's Gym in Holtville, Alabama. It was primarily a free weight facility at that time with the same adjustable exercise equipment which is currently in the new Jordan's Gym. There were no teachers or trainers at this time but the gym was owned and operated by Mike and Linda Mosbarger .
5. I am familiar with the fact that Mike and Linda Mosbarger were divorced in the Spring of 2006, and Linda Lewis resumed her maiden name. Also, about the same time the name of the gym was changed from Mike's Gym to

Jordan's Gym but it still operates in much the same way as it has operated since 1997.

6. Originally, Jordan's Gym, like the prior Mike's Gym, was located downtown Holtville, next door to Linda Lewis' other business Curves for women.
7. The current location is about 4 miles north of downtown Slapout, all of this area is in the unincorporated portion of north Elmore County, Alabama.
8. There are no teachers at the current location of Mike's Gym, Jordan's Gym or rather the Jordan Community Center.
9. I hereby verify that each and every statement herein is true and accurate to the best of my knowledge.

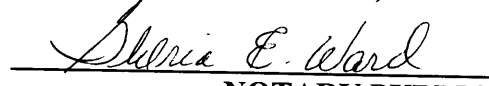
Sworn and verified on this the 7th day of November, 2007.

  
ROBERT "BOB" ANDREWS

**Notary Certification**

I, Gloria E. Ward, the undersigned authority, a Notary Public in and for said State at Large, hereby certify that ROBERT ANDREWS, whose name is signed in the foregoing, and who is known to me, acknowledged before me on this day, that being informed of the contents and being of sound mind verified the truth and veracity of the forgoing and voluntarily executed this document after being duly sworn.

Given under my hand and seal this the 7th day of November, 2007.

  
NOTARY PUBLIC

[SEAL]

My commission expires: 12-9-07

U. S. DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CURVES INTERNATIONAL, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2007-CV-807-MHT
	)	
	)	
LINDA S. MOSBARGER,	)	
	)	
Defendant.	)	

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**AFFIDAVIT OF JAMES "JIMMY" ROBERTS**

---

- 1. My name is James Roberts, but I have always gone by Jimmy Roberts. I am over 60 years of age and a resident of Elmore County in the State of Alabama.**
- 2. Every statement set out herein is true and accurate to the best of my personal knowledge.**
- 3. I reside at 289 Lake Haven Drive in Holtville, Alabama, with a Deatsville, Alabama mailing address (36022).**
- 4. In early 1997, I began working out at Mike's Gym in Holtville, Alabama. It was primarily a free weight facility at that time with the same adjustable exercise equipment which is currently in the new Jordan's Gym. There were no teachers or trainers but the gym was owned and operated by Mike and Linda Mosbarger .**
- 5. I am familiar with the fact that Mike and Linda Mosbarger were divorced in the Spring of 2006, and Linda Lewis resumed her maiden name. Also, about the same time the name of the gym was changed from Mike's Gym to**



Jordan's Gym but it still operates in much the same way as it has operated since 1997. It merely changed ownership to Ken Johnson.

6. Originally, Jordan's Gym, like the prior Mike's Gym, was located downtown Holtville, next door to Linda Lewis' other business Curves for women.
7. The current location is about 4 miles north of downtown Slapout, all of this area is in the unincorporated portion of north Elmore County, Alabama.
8. There are no teachers at the current location of Mike's Gym, Jordan's Gym or rather the Jordan Community Center.
9. I hereby verify that each and every statement herein is true and accurate to the best of my knowledge.

Sworn and verified on this the 7<sup>th</sup> day of November, 2007.

James T. Roberts, Jr.  
JAMES "JIMMY" ROBERTS

Notary Certification

I, Michelle J. Clay, the undersigned authority, a Notary Public in and for said State at Large, hereby certify that JAMES ROBERTS, whose name is signed in the foregoing, and who is known to me, acknowledged before me on this day, that being informed of the contents and being of sound mind verified the truth and veracity of the forgoing and voluntarily executed this document after being duly sworn.

Given under my hand and seal this the 7<sup>th</sup> day of November, 2007.

Michelle J. Clay  
Michelle J. CLAY  
NOTARY PUBLIC

My commission expires:

04-18-2011

[SEAL]

U. S. DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CURVES INTERNATIONAL, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2007-CV-807-MHT
	)	
	)	
LINDA S. MOSBARGER,	)	
	)	
Defendant.	)	

---

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**AFFIDAVIT OF JOYCE BERRY**

---

- 1. My name is Joyce Berry. I am over 50 years of age and a resident of Elmore County in the State of Alabama.**
- 2. Every statement set out herein is true and accurate to the best of my personal knowledge.**
- 3. I reside at 1355 Possum Trot Road in Holtville, Alabama, with a Deatsville, Alabama mailing address (36022). There is no U. S. Post Office in the community of Holtville., Alabama.**
- 4. On or about the end of August, 2007, and by the beginning of September, 2007, I started noticing unusual activity at the building across the street from my house, commonly referred to as Jordan's Gym or Community Center.**
- 5. The first thing I remember out of the ordinary was a lady who appeared to be trying to break into the facility at the end of the summer, 2007.**
- 6. This particular lady came back after I first saw her tampering with the door knob, and proceeded the second time to try to break the door down, when it was obvious no one was inside the facility.**

4. On the second trip she continued to work toward gaining entry to the Jordan Community Center, even though the place was unmistakably closed.
5. I started to call the police but I did not know if the owner, community center operator or the manager had given her a key and she was merely having trouble getting it to work, like for cleaning services or to steam the carpet.
6. The next time I saw the owner, my longtime neighbor, Linda Lewis, I told her about the lady appearing to attempt to break into the facility.
7. On this occasion, Linda Lewis was extremely upset and her face was red where she informed me she had just been attacked by an unknown white female while she was watering her plants.
8. At this time I informed Ms. Lewis about seeing the white female trying to break into the building when the building was not opened and no one else was present at the facility.
9. I witnessed the law enforcement officer leave the parking lot in pursuit of the lady who had assaulted Ms. Lewis traveling north on Possum Trot Road.
10. The last incident occurred on September 10, 2007, in broad daylight about 10:00 am. The prior incident had been a couple of weeks earlier and had been later in the day when no one was at the community center.
11. Later on November 1, 2007, I noticed a deputy from the Elmore County Sheriff's Office in the parking lot of the facility talking with a strange man I had never seen before, but he was in a vehicle which had been driving by the community center and had even parked in the middle of the road (Possum

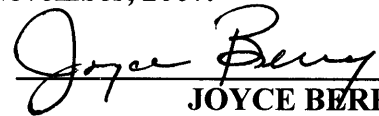
Trot Road) earlier in the day. This concerned me greatly.

12. These incidents have made me feel less safe in this nice, calm community where everybody pretty much knows everyone else and there is very little crime.

13. I do not know of anyone else who has ever been harmed by anyone else in our neighborhood prior to this recent string of unusual events.

14. I hereby verify that each and every statement herein is true and accurate to the best of my knowledge.

Sworn and verified on this the 7<sup>th</sup> day of November, 2007.

  
JOYCE BERRY

Notary Certification

I, Michele J. Clay, the undersigned authority, a Notary Public in and for said State at Large, hereby certify that JOYCE BERRY, whose name is signed in the foregoing, and who is known to me, acknowledged before me on this day, that being informed of the contents and being of sound mind verified the truth and veracity of the forgoing and voluntarily executed this document after being duly sworn.

Given under my hand and seal this the 7<sup>th</sup> day of November, 2007.

  
Michele J. CLAY NOTARY PUBLIC

My commission expires:

04-18-2011

[SEAL]

U. S. DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CURVES INTERNATIONAL, INC., )

Plaintiff, )

v. )

CASE NO. 2007-CV-807-MHT

LINDA S. MOSBARGER, )

Defendant. )

---

**AFFIDAVIT OF MARGARET ABRAMS**

---

- 1. My name is Margaret Abrams. I am over 90 years of age and a resident of Elmore County in the State of Alabama.**
- 2. Every statement set out herein is true and accurate to the best of my personal knowledge.**
- 3. I reside at 4785 Alabama Highway 143 in Holtville, Alabama, with a Deatsville, Alabama mailing address (36022).**
- 4. As far as I can determine I am the only person who was formerly a client of Linda Lewis prior to her closing her former business, Curves in downtown Slapout, who currently attends community sessions at the Jordan Community Center, better known as "Jordan's Gym".**
- 5. While Ms. Lewis informed me of other Curves locations when she dissolved her Curves business in July of 2006. I am unable to travel very far so I began going to the old Mike's Gym, then Jordan's Gym so I did not have to travel outside of Slapout. I am not familiar with any other female who is likewise situated.**

- 6. There is a big difference in Curves and Jordan's Gym. Jordan's Gym has adjustable levels of work out equipment which Curves did not. The adjustable equipment is better for me considering my age and medical condition.**
- 7. If Ms. Lewis opened the Curves business back up in Slapout, I would not attend sessions there any more. While I like Ms. Lewis, the Curves program was not really designed for someone like me with a number of medical issues and of advanced years.**
- 8. Susan Tenley and Ken Johnson keep the new place running smoothly, and Ms. Lewis is busy with new businesses, but she is an outstanding example of good health and fitness.**
- 9. I like seeing people, men and women both living life to the fullest, I observed several old clients of Ms. Lewis complaining about the Curves circuit system in the past prior to July of 2006.**
- 10. I am not related by blood or marriage to any of the parties to this lawsuit.**
- 11. I have not read the pleadings and I do not know the exact issues being debated.**
- 12. Linda Lewis does not teach at the Jordan Community Center, nor does anyone else as far as I have observed since January of 2007.**

Sworn and verified on this the 7<sup>th</sup> day of November, 2007.

Margaret Abrams  
MARGARET ABRAMS

Notary Certification

I, Michele J. Clay, the undersigned authority, a Notary Public in and for said State at Large, hereby certify that MARGARET ABRAMS, whose name is signed in the foregoing, and who is known to me, acknowledged before me on this day, that being informed of the contents and being of sound mind verified the truth and veracity of the forgoing and voluntarily executed this document after being duly sworn.

Given under my hand and seal this the 7<sup>th</sup> day of November, 2007.

Michele J. Clay  
NOTARY PUBLIC Michele J. Clay  
My commission expires:  
04-18-2011

[SEAL]

# ALABAMA UNIFORM INCIDENT/OFFENSE REPORT

**COPY**

VICTIM SSN 417-88-2915		COMPLAINANT SSN		1 INCIDENT 2 OFFENSE 3 SUPPLEMENT		4 CASE NO. 071100354		3 SFX	
4 ORF # 012900000110707		5 DATE AND TIME OF THIS REPORT 3:12		6 AGENCY NAME ELMORE COUNTY SHERIFF'S DEPT		7 IF SUPPLEMENT ORIGINAL OFFENSE DATE			
8 REPORTED BY VICTIM OR LEWIS, LINDA MOSBARGER		9 ADDRESS (STREET, CITY, STATE, ZIP) 750 SHIELDS RD. DEATSVILLE AL 36022		10 PHONE (334) 300-1378		11 VICTIM (LAST, FIRST, MIDDLE NAME) GYM, JORDAN'S (Gym)		12 ADDRESS (STREET, CITY, STATE, ZIP) 770 SHIELDS RD. DEATSVILLE, AL 36028	
13 EMPLOYER/SCHOOL NBGC LLC		14 OCCUPATION SELF		15 ADDRESS (STREET, CITY, STATE, ZIP) Hwy 231 Wetumpka AL 36092		16 PHONE (334) 514-6008			
17 PRESIDENT 18 NON-RESIDENT		19 INJURY 20 RACE 21 SEX 22 MALE 23 FEMALE		24 HGT 25 WGT 26 DOB 27 AGE		28 WAS OFFENDER 29 VICTIM WAS (EXPLAIN RELATIONSHIP)		30 CODE	
31 TYPE INCIDENT OR OFFENSE CRIMINAL MISCHIEF		32 UCR CODE		33 STATE/LOCAL ORDINANCE 13A-7-21		34 TYPE INCIDENT OR OFFENSE		35 UCR CODE	
36 PLACE OF OCCURRENCE JORDAN'S GYM ON SHIELDS RD.		37 DEGREE (CIRCLE)		38 UCR CODE		39 STATE/LOCAL ORDINANCE		40 SECTOR	
41 POINT OF ENTRY 42 METHOD OF ENTRY 43 FORCIBLE 44 ATT. FORCIBLE		45 ASSAULT 46 SIMPLE 47 AGGR.		48 TREATMENT FOR ASSAULT INJURY		49 Y 50 N			
51 OCCURRED ON OR BETWEEN 52 TIME 53 AM 54 PM 55 MIL		56 LIGHTING 57 NATURAL 58 MOON 59 ART. EXT. 60 ART. INT. 61 UNK.		62 WEATHER 63 CLEAR 64 CLOUDY 65 RAIN 66 FOG 67 SNOW 68 HAIL 69 UNK.		69 PREMISE 70 HWY. - ST. - ALLEY 71 BANK 72 DRUG STORE 73 APT/TWN HSE. 74 SHOPPING CENTER 75 SCHOOL 76 CONVENIENCE 77 INDUSTRIAL 78 SERVICE STA.		79 CODE	
80 WEAPON USED 81 FIREARM 82 KNIFE 83 HANDS, FISTS, VOICE, ETC. 84 OTHER DANGEROUS		85 DESCRIPTION OF WEAPONS/FIREARMS/TOOLS USED IN OFFENSE		86 HANDGUN 87 RIFLE 88 SHOTGUN 89 UNKNOWN		90 QUANTITY		91 STOLEN, RECOVERED, LOST, FOUND, OR DESTROYED (INCLUDE MAKE, MODEL, SIZE, TYPE, SERIAL NUMBER, COLOR, ETC.)	
92 DOLLAR VALUE		93 RECOVERED		94 STOLEN		95 DAMAGED		96 DATE	
97 VALUE		98 DATE		99 VALUE		100 DATE		101 VALUE	
102 MOTOR VEHICLE		103 CURRENCY, NOTES		104 JEWELRY		105 CLOTHING/FURS		106 FIREARMS	
107 OFFICE EQUIPMENT		108 ELECTRONICS		109 HOUSEHOLD		110 CONSUMABLE GOODS		111 LIVESTOCK	
112 MISCELLANEOUS		113 CHECK CATEGORIES		114 STOLEN 115 RECOVERED 116 SUSPECTS VEH. 117 VICTIMS VEH. 118 UNAUTH. USE 119 ABANDONED		120 STOLEN 121 LIC 122 LIS. 123 LIV 124 TAG COLOR 125 VIN		126 VYR 127 VMA 128 VMO 129 VST 130 VCO: TOP: 131 BOTTOM: 132 ADDITIONAL DESCRIPTION	
133 STOLEN MTR. VEH. ONLY		134 AREA STOLEN 135 BUS. 136 RES. 137 RUR.		138 OWNERSHIP 139 TAG RECEIPT 140 BILL OF SALE 141 TITLE 142 OTHER		143 WARRANT SIGNED		144 AUTO INSURER NAME (COMPANY) ADDRESS (STREET, CITY, STATE, ZIP)	
145 STOLEN IN YOUR JURISDICTION? 146 WHERE?		147 RECOVERED IN YOUR JURISDICTION? 148 WHERE?		149 STOLEN IN YOUR JURISDICTION? 150 WHERE?		151 RECOVERED IN YOUR JURISDICTION? 152 WHERE?		153 STOLEN IN YOUR JURISDICTION? 154 WHERE?	

**TYPE OR PRINT IN BLACK INK**

ACJIC—32 REV 7-04

**INCHES**

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INCIDENT/OFFENSE REPORT CONTINUED		98 DATE AND TIME OF REPORT M D Y 3 : 12 AM PM ML 0 7 11 0 0 5 3 4		99 CASE #	97 SFX	98	1 OFFENDER 2 SUSPECT 3 MISSING PERSON	4 CHECK IF MULTIPLE
99 NAME (LAST, FIRST, MIDDLE) N		100 NICKNAME/ALIAS		101 RACE 10W 10A 10H 10B 10I 10O	102 SEX 10MALE 10FEMALE	103 DOB M D Y	104 AGE	
105 ADDRESS (STREET, CITY, STATE, ZIP) O		106 HGT		107 WGT	108 EYE	109 HAIR	110 COMPLEXION	
111 PROBABLE DESTINATION N		112 ARMED? 11Y 11N 11UNK.		113 WEAPON				
114 CLOTHING E		115 SCARS 11MARKS 11TATTOOS		116 11ARRESTED 11WANTED				
116 NAME (LAST, FIRST, MIDDLE) N		117 NICKNAME/ALIAS		118 RACE 11W 11A 11H 11B 11I 11O	119 SEX 11MALE 11FEMALE	120 DOB M D Y	121 AGE	
122 ADDRESS (STREET, CITY, STATE, ZIP) O		123 HGT		124 WGT	125 EYE	126 HAIR	127 COMPLEXION	
128 PROBABLE DESTINATION N		129 ARMED? 12Y 12N 12UNK.		130 WEAPON				
131 CLOTHING E		132 SCARS 13MARKS 13TATTOOS		133 13ARRESTED 13WANTED				
133 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB		134 ADDRESS (STREET, CITY, STATE, ZIP)		135 RES. PHONE ( ) ( )		136 BUS. PHONE ( ) ( )		
WITNESSES	137 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB	138 ADDRESS (STREET, CITY, STATE, ZIP)		139 RES. PHONE ( ) ( )		140 BUS. PHONE ( ) ( )		
	137 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB	138 ADDRESS (STREET, CITY, STATE, ZIP)		139 RES. PHONE ( ) ( )		140 BUS. PHONE ( ) ( )		
	137 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB	138 ADDRESS (STREET, CITY, STATE, ZIP)		139 RES. PHONE ( ) ( )		140 BUS. PHONE ( ) ( )		
	137 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB	138 ADDRESS (STREET, CITY, STATE, ZIP)		139 RES. PHONE ( ) ( )		140 BUS. PHONE ( ) ( )		
WITNESS #1 SSN		WITNESS #2 SSN		WITNESS #3 SSN		WITNESS #4 SSN		
<p>137</p> <p>The victim stated on listed date and times that someone pride the doorlock at Jordan's Gym. The victim stated the person or person(s) damaged the property listed in block 60 costing the complainant \$51.28 to fix it.</p>								
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Product SP125

## ALABAMA UNIFORM INCIDENT/OFFENSE REPORT

VICTIM SSN		COMPLAINANT SSN		1 INCIDENT 2 OFFENSE 3 SUPPLEMENT		2 CASE # 070900750		3 SFX					
4 ORI # 029 0000		5 DATE AND TIME OF THIS REPORT 09/01/07 10:00		6 AGENCY NAME Elmore Co. Sheriff's Dept.		7 IF SUPPLEMENT ORIGINAL OFFENSE DATE							
8 REPORTED BY VICTIM OR		9 ADDRESS (STREET, CITY, STATE, ZIP)		10 PHONE		14 PHONE 300-1378		18 PHONE (334) 574-6088					
12 VICTIM (LAST, FIRST, MIDDLE NAME) Lewis, Linda Mesbarger		13 ADDRESS (STREET, CITY, STATE, ZIP) 750 Shields Rd. Dentsville, AL 36022		16 OCCUPATION US Hwy. 231 Wetumpka, AL		17 ADDRESS (STREET, CITY, STATE, ZIP)							
15 EMPLOYER/SCHOOL NBCC, LLC		19 RESIDENT 1 Y 2 NON-RESIDENT		21 RACE 1 M 2 F 3 A 4 B 5 O 6 N 7 Y 8 N 9 F 10 M 11 F 12 M 13 F 14 M 15 F 16 M 17 F 18 M 19 F 20 M 21 F 22 M 23 F 24 M 25 F 26 M 27 F 28 M 29 F 30 M 31 F 32 M 33 F 34 M 35 F 36 M 37 F 38 M 39 F 40 M 41 F 42 M 43 F 44 M 45 F 46 M 47 F 48 M 49 F 50 M 51 F 52 M 53 F 54 M 55 F 56 M 57 F 58 M 59 F 60 M 61 F 62 M 63 F 64 M 65 F 66 M 67 F 68 M 69 F 70 M 71 F 72 M 73 F 74 M 75 F 76 M 77 F 78 M 79 F 80 M 81 F 82 M 83 F 84 M 85 F 86 M 87 F 88 M 89 F 90 M 91 F 92 M 93 F 94 M 95 F 96 M 97 F 98 M 99 F 100 M		20 INJURY 1 Y 2 N		22 SEX 1 MALE 2 FEMALE		23 HGT 56		24 WGT 132	
25 DOB 1/20/35		26 AGE 51		27 WAS OFFENDER KNOWN TO VICTIM? 1 Y 2 N		28 VICTIM WAS (EXPLAIN RELATIONSHIP)		29 CODE					
30 TYPE INCIDENT OR OFFENSE 1 FEL. 2 MISD. Suspicious Person		31 DEGREE (CIRCLE) 1 2 3		32 UCR CODE		33 STATE CODE/LOCAL ORDINANCE							
34 TYPE INCIDENT OR OFFENSE 1 FEL. 2 MISD.		35 DEGREE (CIRCLE) 1 2 3		36 UCR CODE		37 STATE CODE/LOCAL ORDINANCE							
38 PLACE OF OCCURRENCE Jordan's Lynn Shields Rd.		39 SECTOR H06		40 POINT OF ENTRY 1 DOOR 2 WINDOW 3 ROOF 4 OTHER N/A		41 METHOD OF ENTRY 1 FORCIBLE 2 ATT. FORCIBLE 3 NO FORCE		42 ASSAULT 1 SIMPLE 2 AGGR. 3 N/A					
43 TREATMENT FOR 1 Y 2 N		44 ASSAULT INJURY 1 Y 2 N		45 TIME 09:25		46 LIGHTING 1 NATURAL 2 MOON 3 ART. EXT. 4 ART. INT. 5 UNK.		47 WEATHER 1 CLEAR 2 CLOUDY 3 RAIN 4 FOG 5 SNOW 6 HAIL 7 UNK.					
48 PREMISE 1 HWY.-ST.-ALLEY 2 BANK 3 DRUG STORE 4 APT./TWN. HSE. 5 RESIDENCE 6 CHURCH 7 SCHOOL 8 CONVENIENCE 9 INDUSTRIAL 10 SERVICE STA. 11 OTHER 12 GYM		49 CODE		50 CODE		51 CODE		52 CODE					
53 VERIFY FOR 1 Y 2 N		54 TREAT. FOR 1 Y 2 N		55 CIRCUMSTANCES 1 HOMICIDE & ASSAULT 2 OTHER		56 CODE		57 CODE					
58 WEAPON USED 1 FIREARM 2 KNIFE 3 HANDS, FISTS, VOICE, ETC. 4 OTHER DANGEROUS		59 DESCRIPTION OF WEAPONS/FIREARMS/TOOLS USED IN OFFENSE		60 HANDGUN 61 RIFLE 62 SHOTGUN 63 UNKNOWN		64 QUANTITY		65 STOLEN, RECOVERED, LOST, FOUND OR DESTROYED (INCLUDE MAKE, MODEL, SIZE, TYPE, SERIAL NUMBER, COLOR, ETC.)					
66 PROPERTY DESCRIPTION		67 ENTERED		68 DOLLAR VALUE		69 RECOVERED							
70 ELECTRONICS		71 HOUSEHOLD		72 CONSUMABLE GOODS		73 LIVESTOCK		74 MISCELLANEOUS					
75 CHECK CATEGORIES 1 STOLEN 2 RECOVERED 3 SUSPECTS VEH. 4 VICTIMS VEH. 5 UNAUTH. USE 6 ABANDONED		76 # STOLEN		77 LIC.		78 LIS.		79 LIY.					
80 TAG COLOR		81 VIN		82 VYR		83 VMA		84 VMO					
85 VST		86 VCO: TOP: Maroon BOTTOM: Maroon		87 ADDITIONAL DESCRIPTION		88 AREA STOLEN 1 BUS 2 RES. 3 RUR.		89 OWNERSHIP 1 TAG RECEIPT 2 BILL OF SALE 3 TITLE 4 OTHER					
90 WARRANT SIGNED		91 AUTO INSURER NAME (COMPANY) ADDRESS (STREET, CITY, STATE, ZIP)		92 PHONE		93 STOLEN IN YOUR JURISDICTION? 1 Y 2 N		94 RECOVERED IN YOUR JURISDICTION? 1 Y 2 N					

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ACJIC-32 REV 8-96

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INCIDENT/OFFENSE REPORT CONTINUED		95 DATE AND TIME OF REPORT		96 CASE #		97 SFX		98 OFFENDER SUSPECT MISSING PERSON		99 CHECK IF MULTIPLE	
99 NAME (LAST, FIRST, MIDDLE)		09/10/07 10:00		0709007510							
105 ADDRESS (STREET, CITY, STATE, ZIP)		100 NICKNAME/ALIAS		101 RACE		102 SEX		103 DOB		104 AGE	
				106 HGT		107 WGT		108 EYE		109 HAIR	
111 PROBABLE DESTINATION				5'8"		162				60's	
114 CLOTHING				112 ARMED?		113 WEAPON					
Blue Jeans / shirt (unk. color) / Maroon Ball cap				1 Y 2 N 3 UNK.							
116 NAME (LAST, FIRST, MIDDLE)		117 NICKNAME/ALIAS		118 RACE		119 SEX		120 DOB		121 AGE	
122 ADDRESS (STREET, CITY, STATE, ZIP)				123 HGT		124 WGT		125 EYE		126 HAIR	
128 PROBABLE DESTINATION										127 COMPLEXION	
131 CLOTHING				129 ARMED?		130 WEAPON					
				1 Y 2 N 3 UNK.							
133 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB		134 ADDRESS (STREET, CITY, STATE, ZIP)		135 RES. PHONE		136 BUS. PHONE					
#1 Berry, Joyce		1755 Possum Trot Rd Nashville, AL 36022		( )		( )					
#2 Tenley, Susan		30 Carl's Dr. Dentsville, AL 36022		( )		( )					
#3				( )		( )					
#4				( )		( )					
WITNESS #1 SSN		WITNESS #2 SSN		WITNESS #3 SSN		WITNESS #4 SSN					
<p>Victim states that on listed date and time she was outside of the listed location talking on the phone when an unknown white female walked up to her and threw a yellow envelope at her hitting the victim in the face. The offender then picked up the envelope and walked back to her car, a maroon corvette. The victim ran after the offender and offender told her to stay away and that "she was sick." The offender then drove away travelling on Possum Trot Rd Towards Coosa River Rd. Victim states that the offender was wearing sunglasses and had her hat pulled down over her face as it to hide her identity. Victim states that on the previous date, that witness #1 saw someone driving a gold PT Cruiser pulled up to the gym while it was closed, locked in the door and left. This person returned a short time later and did the same.</p>											
ASSISTING AGENCY ORI				ASSISTING AGENCY CASE #				SFX			
SIGNATURE Linda S. Lewis											
140 CASE #				141 SFX				142 CASE #			
147 CASE STATUS				148 CASE DISPOSITION:				149 REPORTING OFFICER			
<input type="checkbox"/> PENDING <input type="checkbox"/> INACTIVE <input checked="" type="checkbox"/> CLOSED ENTERED ACIC/NCIC <input type="checkbox"/> DATE <input type="checkbox"/>				<input type="checkbox"/> CLEARED BY ARREST (JUV.) <input type="checkbox"/> CLEARED BY ARREST (ADULT) <input type="checkbox"/> UNFOUNDED <input checked="" type="checkbox"/> ADM. CLEARED				T. L. Hough P.D. 23 150 ASSISTING OFFICER ID #			
				<input type="checkbox"/> EXCEPTIONAL CLEARANCE: <input type="checkbox"/> SUSPECT/OFFENDER DEAD <input type="checkbox"/> OTHER PROSECUTION <input type="checkbox"/> EXTRADITION DENIED <input type="checkbox"/> LACK OF PROSECUTION <input type="checkbox"/> JUVENILE, NO REFERRAL <input type="checkbox"/> DEATH OF VICTIM				151 SUPERVISOR APPROVAL ID # 152 WATCH CMDR. ID #			



**TYPE OR PRINT IN BLACK INK**

1 ORI #		2 AGENCY NAME		3 DATE AND TIME OF REPORT		4 CASE #		5 SFX	
02900000		Elmore County Sheriff's Office		1110207		071100126			
6 VICTIM'S NAME (ORIGINAL REPORT)				7 ORIGINAL OFFENSE DATE		8 TYPE REPORT			
Lewis, Linda				M D Y		<input checked="" type="checkbox"/> CONTINUATION <input type="checkbox"/> FOLLOW-UP			
9 ORIGINAL INCIDENT/OFFENSE				10 UCR CODE		11 STATE CODE/LOCAL ORDINANCE			
Trespassing Incident									
12 NEW INCIDENT/OFFENSE				13 UCR CODE		14 STATE CODE/LOCAL ORDINANCE			
15 HAS AN ARREST BEEN MADE?		16 DATE OF ARREST		17 HAS WARRANT BEEN OBTAINED?		18 DATE OF WARRANT		19 ARREST	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		M D Y		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO WARRANT #		M D Y			
20 <input type="checkbox"/> DEFENDANT <input type="checkbox"/> SUSPECT				21 <input type="checkbox"/> DEFENDANT <input type="checkbox"/> SUSPECT					
NAME:				NAME:					
RACE		SEX		DOB		AGE		RACE	
<input type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> H		<input type="checkbox"/> MALE		M D Y				<input type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> H	
<input type="checkbox"/> B <input type="checkbox"/> I <input type="checkbox"/> O		<input type="checkbox"/> FEMALE						<input type="checkbox"/> B <input type="checkbox"/> I <input type="checkbox"/> O	
								<input type="checkbox"/> FEMALE	
Subject stated no he had note. Victim was pretty upset. I advised subject it was probably best he leave and wait on his deposition the following morning. Subject was not trespassed off the property. Owner of business was not there. Subject left premises w/o further incident.									
22 LOCAL USE									
23 STATE USE									
24 MOTOR VEHICLE									
25 CURRENCY, NOTES									
26 JEWELRY									
27 CLOTHING/FURS									
28 FIREARMS									
29 OFFICE EQUIPMENT									
30 ELECTRONICS									
31 HOUSEHOLD									
32 CONSUMABLE GOODS									
33 LIVESTOCK									
34 MISCELLANEOUS									
35 MOTOR VEH. STOLEN IN YOUR JURISDICTION? <input type="checkbox"/> WHERE?									
36 RECOVERED IN YOUR JURISDICTION? <input type="checkbox"/> WHERE?									
37 CASE #									
38 SFX									
39 CASE #									
40 SFX									
41 CASE #									
42 SFX									
43 ADDITIONAL CASES CLOSED NARRATIVE BY									
44 CASE STATUS									
45 CASE DISPOSITION									
46 REPORTING OFFICER									
47 ASSISTING OFFICER									
48 SUPERVISOR APPROVAL									
49 WATCH CMDR.									

ACJIC-33 REV 7-04